PATENT *DFW*

Attorney Docket No. 011738.00144

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ivan Osorio et al

Examiner: Jeffrey Jastrzab

Appln. No.: 10/712,975

Group Art Unit: 3762

Filing Date: November 13, 2003

For: VAGAL NERVE STIMULATION TECHNIQUES FOR TREATMENT OF  
EPILEPTIC SEIZURES

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**TRANSMITTAL OF RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

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Mail Stop AMENDMENT

Commissioner for Patents

P. O. Box 1450

Alexandria, Virginia 22313-1450

In response to the Notice of Non-Compliant Amendment, mailed January 13, 2005 in regard to the above-referenced application, enclosed herewith are the following:

- [X] Document entitled, "Response to Notice of Non-Compliant Amendment" including a clean replacement copy of an amended abstract (13 pages); and
- [X] Copy of Notice of Non-Compliant Amendment.
- [X] Return receipt postcard.

The Commissioner is hereby authorized to charge any addition fees pursuant hereto to Account No. 50-0961. A duplicate of this letter is included herewith for that purpose.

Respectfully submitted

Donald R. Schoonover, Reg. No. 34,924

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Nixa, Missouri 65714-8771

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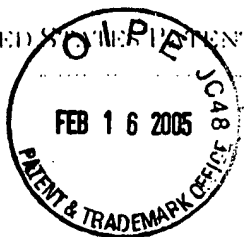
**CERTIFICATION UNDER 37 CFR § 1.10**

I hereby certify that this document is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on February 14, 2005.

Donald R. Schoonover



## UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 108  
Alexandria, VA 22304-0108  
www.uspto.gov

Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 12-14-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☒ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officetlyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Deborah Pollard  
Legal Instruments Examiner (LIE)

571-272-4383  
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